

Remarks

As set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references because the rejections are based on prior art that fails to correspond to the claimed invention.

The final Office Action dated September 14, 2007 listed the following rejections: Claims 1, 2, 4 and 8 stand rejected under 35 U.S.C. § 102(b) over Bergveld *et al.* (U.S. Patent No. 6,298,222); and Claims 3 and 9-11 stand rejected under 35 U.S.C. § 103(a) over Bergveld in view of Bussen *et al.* (U.S. Publication No. 2003/0153368). The Office Action also indicated that claims 5-7 would be allowable if rewritten in independent form.

Applicant appreciates the potential allowability of claim 5-7.

Applicant respectfully traverses the Section 102(b) rejection of claims 1, 2, 4 and 8. The cited portions of the Bergveld reference do not correspond to the claimed invention which includes, for example, aspects directed to the power supply varying a level of the second power supply voltage to be higher than the level of the first power supply voltage when the power change command indicates that the output power has to increase. The cited portions of Bergveld teach that the level of the alleged second power supply voltage can only be lower than the level of the alleged first power supply voltage, not that it can be higher as in the claimed invention. In the instant Office Action, the Examiner fails to address the above mentioned aspects of the claimed invention and instead appears to assert correspondence to language that is no longer present in the claims. For example, the Examiner states that “Bergveld et al anticipates that the level of the second’ power supply voltage is lower or higher than a level of the first power supply voltage if the power change command indicates that the output power has to decrease or increase, respectively.” *See* page 3:6-9 of the instant Office Action. However, this claim language was amended in the Office Action Response and Amendment dated July 13, 2007, to which the Examiner failed to respond as required by M.P.E.P. § 707.07(f).

The lack of correspondence between the Bergveld reference and the above mentioned aspects of the claimed invention is discussed in detail as follows. The Examiner asserts that the path from Bergveld’s power supply terminal 8 to power amp 4 through switch 19 corresponds to the claimed power supply output that provides the first power supply voltage, and further asserts that the path from power supply terminal 8 to

power amp 4 through power supply 7 corresponds to the claimed power supply output that provides the second power supply voltage. *See, e.g.*, Figure 3. However, the Bergveld reference teaches that power supply 7 can only decrease the supply voltage of power supply terminal 8 through the use of “a kind of dissipative regulator means 28 indicated as a variable resistor”. *See, e.g.*, Figure 1 and Col. 3:38-41. For example, Bergveld states that “the switching means 19 which will be closed if the data on data output 14 indicates that it is desired that the RF output power is to be maximised.” *See* Col. 4:2-4. Thus, Bergveld teaches that power supply 7 can only decrease the level of the voltage supplied from power supply terminal 8. Accordingly, the Section 102(b) rejection of claims 1, 2, 4 and 8 is improper and Applicant requests that it be withdrawn.

Applicant further traverses the Section 102(b) rejection of claims 1, 2, 4 and 8 because the cited portions of the Bergveld reference are not arranged as claimed as required by M.P.E.P. § 2131. The cited portions of Bergveld do not correspond to the claimed invention which includes aspects directed to a switching circuit arranged between the power supply outputs (which supply a first voltage and a second voltage) and the amplifier power-supply input. The Examiner’s assertion that Bergveld’s switch 19 is arranged between the cited power supply outputs and power amp input 6 is illogical. For example, the Examiner cites the path through switch 19 and the path through power supply 7 as corresponding to the claimed power supply outputs; however, since switch 19 is part of one of these paths (*i.e.*, part of one of the cited power supply outputs) Applicant fails to see how switch 19 can be arranged between these paths and power amp input 6 as asserted by the Examiner. As such, the cited portions of the Bergveld reference are not arranged as in claimed invention as required. Therefore, the Section 102(b) rejection of claims 1, 2, 4 and 8 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the Section 103(a) rejection of claims 3 and 9-11, (which is based upon the Brevard reference) because the cited portions of Brevard do not correspond to the claimed invention as discussed above in connection with the Section 102(b) rejection of claims 1 and 8. In at least this regard, the rejection of claims 3 and 9 that depend from claims 1 and 8 respectively is improper because the rejection relies upon the same (improper) interpretation of the Brevard reference. Regarding the rejection of claims 10 and 11, claim 10 contains aspects similar to those discussed above

in connection with the impropriety of the Section 102(b) rejection of claims 1 and 8. As such, the Section 103(a) rejection of claims 10 and 11 fails for the same reasons discussed above. Accordingly, the Section 103(a) rejection of claims 3 and 9-11 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: 

Name: Robert J. Crawford

Reg. No.: 32,122

651-686-6633

(NXPS.248PA)